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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,257	03/25/2004	Keith Salvucci	119-0026US	6904
29855	7590	01/23/2007	EXAMINER	
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			ULRICH, NICHOLAS S	
		ART UNIT	PAPER NUMBER	
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/23/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/809,257	SALVUCCI, KEITH
	Examiner	Art Unit
	Nicholas S. Ulrich	2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 16 June 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/25/2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. Claims 1-20 are pending.
2. The examiner has considered the Information Disclosure Statement (IDS) filed on 3/25/2004.

Specification

3. The disclosure is objected to because of the following informalities: Figure numbers should be maintained throughout the disclosure. The drawings specify figures 1A, 1B, 2A, and 2B. Paragraph 0005 and 0006 read "1a" and "1b", however, respectively they should read "1A" and "1B". Paragraph 0012 reads "Fig. 2", however it should read "Fig. 2A" or "Fig. 2B".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 2, 3, 5, 8, 9, and 11 are rejected under 35 U.S.C. 102(a) as being anticipated by James Monohan (Avid Xpress Pro for Windows and Macintosh: Visual Quickpro Guide).

In regard to **claim 1**, Monohan discloses a method for manipulating a media file using a program having a graphical user interface on a display associated with a computer having access to the file, wherein the graphical user interface comprises a play head moveable to correspond to different locations within the media file, the method comprising (*Pg 6 Paragraph 5: Monohan discusses how Xpress Pro is a program; Pg 8-9 Figure 2.1: Monohan shows the user interface of Xpress Pro; and Pg 10 Paragraph 2: Monohan discusses the playhead (position indicator) associated with the user interface of the Xpress Pro program*):

continuously moving the play head on the graphical user interface from a first location to a second location (*Pg 13 Paragraph 3 line 2: Monohan discusses manually dragging the position indicator (playhead) through your clip or sequence*);

and concurrently with moving the play head, displaying and audibly broadcasting portions of the media file passed by the play head (*Pg 13 Paragraph 1 and 5: Monohan discusses playing your audio at different speeds in order to locate specific frame based on what you hear. Monohan also discusses the speed of the audio depends on how quickly or slowly you drag. This inherently shows that portions of the media are audibly broadcasted as the play head moves; and Pg 13 and 14 Figure 12.17: Monohan shows the displaying of portions of the media file*).

In regard to **claim 2**, Monohan discloses wherein the displayed and audibly broadcast portions of the media file are not contiguous within the file (*Pg 14 Paragraph 6: Monohan discusses when you digitally scrub in the Timeline, you will hear six frames of audio at a time in front of the position indicator. This inherently shows that the portions are not contiguous because they are being presented in increments of 6 frames*).

In regard to **claim 3**, Monohan discloses the method wherein the number of displayed and audibly broadcast portions is inversely proportional to a speed of the movement of the play head (*Pg 13 Paragraph 5: Monohan discusses how the speed of the audio playback depends upon how quickly or slowly you drag*).

In regard to **claim 5**, Monohan discloses the method wherein the play head is moved backwards (*Pg 13 Paragraph 5: drag the position indicator to the left inherently shows moving the playhead backwards*).

In regard to **claim 8**, Monohan discloses a method for playing a media file in a player, wherein the player comprises a play head, the method comprising (*Pg 10 Paragraph 2: Monohan discusses the playhead (position indicator) associated with the user interface of the Xpress Pro program*:

dragging the play head (*Pg 13 Paragraph 3 line 2: Monohan discusses manually dragging the position indicator (playhead) through your clip or sequence*); and concurrently with dragging the play head, displaying and audibly broadcasting portions of the media file that the play head passes head (*Pg 13 Paragraph 1 and 5: Monohan discusses playing your audio at different speeds in order to locate specific frame based on what you hear. Monohan also discusses the speed of the audio depends on how quickly or slowly you drag. This inherently shows that portions of the media are audibly broadcasted as the play head moves; and Pg 13 and 14 Figure 12.17: Monohan shows the displaying of portions of the media file*).

In regard to **claim 9**, Monohan discloses the method wherein the rate of displaying and audibly broadcasting portions of the media file is inversely proportional to a speed of dragging the play head (*Pg 13 Paragraph 5: Monohan discusses how the speed of the audio playback depends upon how quickly or slowly you drag*).

In regard to **claim 11**, Monohan discloses the method wherein the play head is dragged backwards (*Pg 13 Paragraph 5: drag the position indicator to the left inherently shows moving the playhead backwards*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over James Monohan (Avid Xpress Pro for Windows and Macintosh: Visual Quickpro Guide) and further in view of Moeller (US 5828370).

In regard to **claim 4 and 10**, Monohan fails to disclose playing the media file at a normal speed starting from the second location after the play head has been moved to the second location. However, Moeller discloses receiving a slider bar user input and outputting the normal play stream at the desired position (*Abstract lines 13-16*). Monohan and Moeller are analogous art because they are both from the same field of endeavor of media playback using a scroll. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Moeller to Monohan invention because one of ordinary skill in the art would be motivated to continue normal playback of media once a determined point has been reached which was previously determined based on a portion of media for performing a particular task.

6. Claims 6, 7, 12, 13, 14, 15, 16, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over James Monohan (Avid Xpress Pro for Windows and Macintosh: Visual Quickpro Guide) and further in view of Harradine (US 6342902 B1).

In regard to **claim 14**, Monohan discloses a computer readable medium, having disposed thereupon program instructions for a computer, the instructions configured to allow the computer to locate and playback a portion of a media file, wherein the locating and playback comprises the steps of (*Monohan is discussing the use of a program called Xpress Pro for use on computing devices. It is well known in the art that computer programs are contained on computer readable mediums and include program instructions for a computer*):

receiving from a user interface signals corresponding to positioning a cursor over a scrubber bar in a position corresponding to a location of a playhead (*Pg 13 Paragraph 3 line 2: Monohan discusses manually dragging the position indicator (playhead) through your clip or sequence. To initially select the position indicator (playhead) the pointer would have to be at a position corresponding to the position indicator (playhead)*);

receiving from the user interface signals corresponding to grabbing and moving the playhead along the scrubber bar, and playing back an audible portion of the media file in response to the movement of the playhead along the scrubber bar (*Pg 13*

Paragraph 3 line 2: Monohan discusses manually dragging the position indicator (playhead) through your clip or sequence; Pg 13 Paragraph 1 and 5: Monohan discusses playing your audio at different speeds in order to locate specific frame based on what you hear. Monohan also discusses the speed of the audio depends on how quickly or slowly you drag. This shows that portions of the media are audibly broadcasted as the play head moves).

Monohan fails to disclose wherein the cursor moves at a rate faster than the playhead such that there is a distance separating the playhead and the cursor. However Harradine discloses selecting a first position and then dragging to a second position to determine variable speed of playback (*Column 9 lines 30 –42: The shuttle speed discusses by Harradine is defined as a fast forward or rewind through the media. If the first position is clicked on the playhead then the second position will be at a further distance than the placement of the playhead*). Monohan and Harradine are analogous art because they are both from the same field of endeavor of control of audio replay. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Harradine to Monohan invention because one of ordinary skill in the art would be motivated to provide the ability to move through large portions of media at higher speeds.

In regard to **claim 19**, Monohan discloses a graphical user interface for a media viewing program executed by a computer, the graphical user interface comprising:
a scrubber bar (*Pg 13 paragraph 5: Timeline*),

a cursor being movably positionable along the scrubber bar (*Pg 13 and 14 Figure 12.17: Monohan shows an arrow cursor*),

and a playhead movable along the scrubber bar for indicating a current location in a media file (*Pg 13 paragraph 5: drag the position indicator (play head) to the right or left*).

Monohan fails to disclose wherein a playback speed of an audible portion of the media file is determined in proportion to a distance separating the cursor and the playhead along the scrubber bar. However, Harradine discloses a shuttle speed dependent on the current value of the final coordinates of pointer position minus the initial value of the coordinates of the pointer position (*Column 9 lines 30 –42: The shuttle speed discusses by Harradine is defined as a fast forward or rewind through the media*). Monohan and Harradine are analogous art because they are both from the same field of endeavor of control of audio replay. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Harradine to Monohan invention because one of ordinary skill in the art would be motivated to provide the ability to move through large portions of media at higher speeds.

In regard to **claims 6, 12, and 15** Monohan fails to disclose the variable speed determined in proportion to the distance between the first location and the second location. However, Harradine discloses a shuttle speed dependent on the current value of the final coordinates of pointer position minus the initial value of the coordinates of the pointer position (*Column 9 lines 30 –42: The shuttle speed discusses by Harradine*).

is defined as a fast forward or rewind through the media). Monohan and Harradine are analogous art because they are both from the same field of endeavor of control of audio replay. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Harradine to Monohan invention because one of ordinary skill in the art would be motivated to provide the ability to move through large portions of media at higher speeds.

In regard to claims **7, 13, 16 and 20**, Monohan fails to disclose wherein the variable speed is limited to twice a normal playback speed. However, Harradine discusses editing a look-up table used by the shuttle speed to determine the maximum available shuttle speed (*Column 9 lines 42-54: By setting the width of the viewer window as the maximum distance to make the shuttle speed 2 times, the speed can be limited to only twice a normal playback speed. It should be understood that Harradine invention gives a user more control by allowing them to create any maximum playback speed as desired and 2 times is one of many limitations that can be applied*). Monohan and Harradine are analogous art because they are both from the same field of endeavor of control of audio replay. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Harradine to Monohan invention because one of ordinary skill in the art would be motivated to limit the speed at which the media file will progress to prevent making over shooting the desired position within the media file. This would provide a user a precise user interface for moving through a media file at a faster rate then the normal playback rate.

In regard to **claim 18**, Monohan discloses the computer readable medium wherein the play head is dragged backwards (*Pg 13 Paragraph 5: drag the position indicator to the left inherently shows moving the playhead backwards*).

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over James Monohan (Avid Xpress Pro for Windows and Macintosh: Visual Quickpro Guide) in view of Harradine (US 6342902 B1) and further in view of Moeller (US 5828370).

In regard to **claim 17**, Monohan and Harradine fail to disclose broadcasting the media file at a normal speed starting from a location to which the playhead was dragged. However, Moeller discloses receiving a slider bar user input and outputting the normal play stream at the desired position (*Abstract lines 13-16*). Monohan, Harradine and Moeller are analogous art because they are from the same field of endeavor of media playback. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Moeller to Monohan and to Harradine's inventions because one of ordinary skill in the art would be motivated to continue normal playback of media once a determined point has been reached which was previously determined based on a portion of media for performing a particular task.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chamei Das can be reached on 571-272-3696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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